

REMARKS

The foregoing amendments add to the specification the reference to provisional application serial number 60/168,394 for the claim of priority. The claim of priority was included in the application transmittal letter and therefore was made within the time period set forth in 37 CFR 1.78(a). In addition, the priority claim was recognized in the filing receipt. Thus, per MPEP 201.11(III) (D), neither the petition under 37 CFR 1.78(a) or the surcharge under 37 CFR 1.17(t) is required for the amendment to the specification to include the reference to the provisional application. MPEP 201.11(III)(D) (“If an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (e.g., if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.”).

The foregoing amendments also correct errors in transcribing the amendments agreed upon on January 18, 2006. In particular, claim 4 appears to have been inadvertently changed to recite “wherein the captured image reflects a relationship between the physical merchandise and the consumer.” Claim 4 originally recited “The method of claim 1, wherein the captured image includes a video clip,” and it was agreed upon that “1” would be amended to “2” because claim 2 had been cancelled. The Examiner’s Amendment, however, recites “The method of claim 1, wherein the captured image reflects a relationship between the physical merchandise and the consumer,” which repeats claim 6. Therefore, Applicant assumes that this change to claim 4 was inadvertent and the foregoing amendment amends claim 4 by deleting “wherein the captured image reflects a relationship between the physical merchandise and the consumer” and replacing it with “wherein the captured image includes a video clip.” This restores claim 4 to its original form, including the agreed upon amendment to the dependency of claim 4.

The Examiner's amendment recites "using the internet" in both claims 21 and 41. The claim amendments faxed on January 18, 2006 and agreed upon recite "that uses" instead of "using." Accordingly, Applicant assumes that this change to claim 4 was inadvertent and the foregoing amendments delete "using" and replaces it with "that uses."


Claim 17 was inadvertently changed to recite "area" instead of "are." The foregoing amendment deletes "area" and replaces it with "are."

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Respectfully submitted,

Date: _____

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